IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 15TH NOVEMBER 2007 / 24TH KARTHIKA 1929

Crl.MC.No. 3439 of 2007()

SC.496/2005 of ASSISTANT SESSIONS COURT, THRISSUR
.....
(CRIME NO.357/03 OF KUNNAMKULAM POLICE STATION)

PETITIONER: ACCUSED:

SURENDRAN, AGED 51,
S/O LATE MANUPPU, CHERUPARAMBIL HOUSE,
KANNIPAYOOR, THALALPALLY TALUK, THRISSUR DIST.

BY ADV. SRI.M.ANIL KUMAR
SMT.C.B.ANUROOPA
SMT.PREETHI K.PURUSHOTHAMAN
SMT.C.SUCHITHRA

RESPONDENT: COMPLAINANT:

STATE OF KERALA, REPRESENTED BY THE
S.I. OF POLICE, KUNNAMKULAM POLICE STATION
(CRIME 357/03)REPRESENTED BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. P.RAVEENDRA BABU

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 15/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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Crl.M.C.No.3439 of 2007

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Dated this the 15th day of November, 2007

ORDER

The petitioner faces indictment in a prosecution for offences punishable, inter alia, under Section 308 IPC. Investigation is complete. Case has been committed to the Court of Sessions. The petitioner had appeared before the learned learned Assistant Sessions Judge and was enlarged on bail. The case stood posted on 27.10.07. On account of mistake in the noting of the date of posting, the petitioner did not appear on that date. The case was posted formally before the learned Assistant Sessions Judge on that day. Consequently he finds a warrant of arrest issued by the learned Judge chasing him. According to the petitioner he is absolutely innocent. His absence earlier was not wilful. He is willing to surrender before the learned Assistant Sessions Judge but he apprehends that his application for bail may not be considered by the learned Assistant Sessions Judge, in accordance with law and expeditiously. He therefore prays that a direction may be issued under Section 482 Cr.P.C to the learned Assistant Sessions Judge to release him on bail when he appears and applies for bail.

2. It is for the petitioner to appear before the learned Assistant Sessions Judge and explain to the learned Judge the

circumstances under which he could not earlier appear before the learned Judge. The learned Judge must consider such application for bail on merits, in accordance with law and expeditiously. I have no reason to assume that the learned Judge would not consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

3. This Crl.M.C. is, in these circumstances, dismissed, but with the specific observation that if the petitioner surrenders before the learned Judge and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Judge must proceed to pass appropriate orders on merits and expeditiously-on the date of surrender itself.

4. In the peculiar facts and circumstances of the case, there shall be a direction that the warrant of arrest issued against the petitioner shall not be executed till 20.11.07. On or before that which date the petitioner shall appear before the learned Judge and seek regular bail.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE